

LAST THAW JUROR HARD TO EMPANEL

Many More Talesmen Are
Found Wanting or Else Have
Formed Opinions.

DEFENSE IS INDICATED

Some of the Questions of the Defendant's Counsel Are Very
Significant.

THAW FOLLOWS CASE CLOSELY

He is Intensely Interested and Takes
an Active Part in the Examination of the Scores of
Talesmen.

The Jurors Selected.
NO. 1.—DEMBING B. SMITH, retired manufacturer of umbrellas, 233 West 11th street; 50 years old and married.
NO. 2.—GEORGE PFAFF, hardware, 122 Center street; 40 years old and married.
NO. 3.—GEORGE H. PECKE, manager, 601 West 13th street; 45 years old and married.
NO. 4.—HENRY C. HARNEY, manager, Brook avenue and 123d street; 60 years old and married.
NO. 5.—HARRY C. BREARLEY, advertising agent, 19 East 16th street; 35 years old and married.
NO. 6.—MALCOLM F. FRASER, clothing salesman, 142 West 12th street; 35 years old and married.
NO. 7.—CHARLES D. NEWTON, retired railroad official, 296 West 134th street; 65 years old and married.
NO. 8.—JOHN S. DENNEE, traveling freight agent of the Southern railway, 217 East 33d street; 38 years old and unmarried.
NO. 9.—HENRY I. KLEINBERGER, silk merchant, 1873 7th avenue; 48 years old and married.
NO. 10.—OSCAR A. PINK, a salesman of gas fixtures of 329 West 131st street; 60 years old and married.
NO. 11.—WM. F. STEELE, a manufacturer of gas fixtures of 329 West 131st street; 60 years old and married.

Special Dispatch to The Star.
NEW YORK, February 1.—With eleven men in the box and over 130 in the two panels in court, the twelfth Thaw juror was still to be chosen when court adjourned for the noon recess today. An even dozen talesmen were examined, most of them at great length, but none was found who was satisfactory. The defense had to use three of its challenges, which makes a total of thirty-two, leaving them eight more, as the number has been extended to forty.

The questions asked by the attorneys for both sides this morning went to a great extent out of the monotonous lines which they have followed heretofore. If there was any doubt in the minds of those who have followed the trial closely that "emotional insanity" will be at least one and one of the most important lines of defense, it was practically abolished by the line of questioning which Mr. Gleason tried to use.

The new panel of one hundred more men appeared in court this morning. This makes five hundred men summoned to court in order that twelve satisfactory ones may be chosen. The new panel was on hand early today. These talesmen realized that most of them have a short day in court and will get no other chance to see the principals of the case concerning which they have read and heard so much about, and this morning there was a rush to get the seats which furnished the best views of those who unwillingly are the principal actors in what seems to be considered a public spectacle. Some of the anxious talesmen went to the front of the court room and took the seats reserved for Thaw's relatives and had to be put out by the court officers before they would move to less desirable seats. In appearance at least the new panel did not come up to the quality of the other three. Evelyn Thaw and her friend, Mae McKenzie, returned this morning to their former custom of early arrival. They came fully five minutes before the time for court to open, alone, except for the lunch basket with which they were burdened. Soon after their arrival Delphin Michael Delmas came in through the side door of the court room, leaned over the rail behind which they sat, and gave them each a handshake and one of his rare smiles. Later, he sat down and had a long and animated conversation with Mrs. Thaw.

The Countess of Yarmouth, Mrs. Carnegie and Joseph and Edward Thaw arrived a short time later.

Mrs. William Thaw was not in court today because of the inclemency of the weather. Mrs. Carnegie sat next to Mrs. Harry Thaw, an entered into her usual morning conversation with her sister-in-law. The Countess of Yarmouth took the seat usually occupied by Mrs. William Thaw. She bowed to Mrs. Harry Thaw and Mae McKenzie, and sat down to watch the proceeding in court.

The moment the judge and counsel came in, a long conference over the judge's desk followed with Mr. Hartridge, Mr. Jerome and Mr. Garvan participating with Justice Fitzgerald. The conference lasted until nearly 11 o'clock, when the attorneys went back and took their seats.

Rumor had it that Mr. Jerome is making a great effort to have one of the present jurors excused, and that he and the attorneys for Thaw have not been able to agree upon his dismissal. It is said that a conference on this point was held yesterday afternoon, and this morning's long discussion was another attempt on the part of the state's attorneys to accomplish this same object. If this was true the attempt was unsuccessful apparently, for after the

"If the court should charge you," he asked, "that the presumption is that the defendant is sane at the beginning of the trial, would you accept the charge?" "I would," replied the talesman.

The next question threw an even stronger light on the defense's intentions.

"If," asked Mr. Gleason, "the court

should charge you that after the defense should introduce evidence and contingent testimony tending to show insanity that the prosecution must prove beyond a reasonable doubt that the defendant was sane at the time of the act, would you receive this charge?"

Mr. Jerome Sustained.
Mr. Jerome immediately objected to the question and was sustained, but the defendant's attorney had established "beyond a reasonable doubt" what the line of defense is to be.

Mr. Jerome introduced into his examination today inquiries as to whether the talesman had been approached since they had been drawn on the panel. This line of questioning developed on the examination of the second talesman.

"Has any one approached you since you were called on this panel and tried to ascertain your opinion on the case?"

When this question was asked Thaw looked up quickly from a letter which he had been reading and gazed fixedly at the district attorney. The talesman had not been approached, he said.

The same talesman had a question asked of him by Mr. Gleason which has not been asked before. Walter C. Gilbert, the talesman, had said that he knew Detective Price of the district attorney's office.

"You don't know Paul Bergoff, do you?" asked Mr. Hartridge. Paul Bergoff was the detective who was said to have followed Thaw's sleuths when they were tracking White after Thaw first became attracted to Evelyn Nesbit. The witness did not know him. This is the second time that the names of the detectives in the case have entered into the questioning.

A few days ago Mr. Jerome asked a talesman if he knew Roger O'Mara, the Pittsburgh detective who was Thaw's guardian angel for so many years.

Except for his mother, all the members of Thaw's family were in court this morning. They seem to be getting used to the court atmosphere and are becoming more accustomed to be stared at. They took an active interest in the attempt to get the twelfth juror today, and seemed to enjoy the incidents which went to relieve the usual monotony.

Feeling of Uncertainty.
There was a feeling of uncertainty when the trial of Harry K. Thaw opened this morning as to the time when the jury would finally be completed.

The excusing of three of the jurors already chosen yesterday shows how insecure the tenure of their seats is, and after Mr. Kleinberger had been excused in the afternoon there was a persistent rumor that still another juror was to go. It was said that his dismissal might not occur until after twelve men had been seated in the box.

Both the district attorney's office and Thaw's lawyers send their detectives around to examine closely, it is said, the lives of the jurors who have been chosen, and if any reason at all appears why the juror is not satisfactory to either side a movement is started to get him excused from service. There has probably never been a jury in a criminal case chosen with more care than the one which will sit in judgment on Thaw's life, and no time will be spared to see that it is absolutely satisfactory to both sides. When this morning's session opened it was hoped that the day would yield up the one necessary man, but because of rumors of more excuses this was more of a hope than an expectation.

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MILLION DOLLAR LOSS

Destructive Blaze in Business
Center of Harrisburg.

SIX BUILDINGS DESTROYED

Other Structures Damaged by Fire
and Water.

ACTOR HAS NARROW ESCAPE

Rescued From Opera House After
Crawling Out on Copping and
Faints as Help Arrives.

HARRISBURG, Pa., February 1.—Eight buildings in the center of the business district of Harrisburg were either destroyed or badly damaged by a fire early this morning, involving a loss estimated at \$1,000,000. The Grand Opera House block, at 3d and Walnut streets, in which there were five stores, was destroyed, and nothing is standing but the walls. The Duncan building, on the opposite side of 3d street, occupied by three stores and a pool room, was also destroyed.

While thick clouds of smoke were coming out the windows of the opera house the firemen saw a figure at one of the big windows high up the building. Then came a crash, and what looked like a nude man crawled out on the sill. Standing on the window sill he shrieked for a ladder.

"Send a ladder up here. Hurry up; send a ladder up here," he cried.

More smoke piled out of the windows and slowly a ladder was raised. Its top came within several feet of the window sill. A small ladder was hoisted by men on the big block. The man on the window sill stopped screaming. He swung his arm and the crowd thought he was going to jump. "Don't jump, boy; hold on," cried the firemen.

Fainted When Help Came.
The man got on his knees and crawled out on the window and let his legs hang over. By that time the smaller ladder had reached him and he grabbed the hooks and fitting them onto the sill began to crawl down. Edward Holbert, a fireman, went up to meet him and got the man in his arms. Then the rescued man fainted and was carried to the rest of the way. He was hurried to the Harrisburg Hospital, where it was found he was not badly hurt. His name is John Smith, his home being in New York. He belongs to the stock company and had been sleeping in one of the dressing rooms when the fire started.

The Park Hotel and the Columbus Hotel were badly damaged by fire and water. The United Telephone Company building, the Security Trust building, the Bijou Theater, Rosch's photography studio, College block, the Harrisburg Gas Company building and the buildings occupied by the Harrisburg Cycle and Typewriter Company, the Philadelphia and Albany Dentists and E. G. Hoover, jeweler, were also damaged.

Caused by Explosion.
The fire started from an explosion in Pyne's hat store, in the Opera House block, at 2 o'clock, and within an hour had destroyed the playhouse and stores in the building and had leaped across to the west side of 3d street to the Columbus Hotel and College block. The opera house was owned by a Harrisburg syndicate. On the first floor were John Pyne's hat store, Wilson Hoff's drug store, Miles Frey's cigar store and pool room, the Grand Union Tea Company and W. W. Paul's shoe store.

The opera house stood at the southeast corner of 3d and Walnut streets, facing Capitol Park and diagonally across the street from the post office. Across 3d street at the southwest corner was the Duncan building, which was occupied by George M. Harry's cigar store, a fruit and candy store and a barber shop.

The Columbus Hotel adjoined the Duncan building on the west, and next door is the telephone building. The hotel was ruined by fire and water, involving a loss of \$300,000. This building was owned by Narcissus Ruma, and the contents and equipment by his son Maurice. The damage to the telephone building will not exceed \$5,000. Ad-

joining this building on the west is the Dauphin county prison, which was not damaged.

Damaged by Water.
The Park Hotel was owned by a Harrisburg syndicate, and was occupied by A. Boschelli. The damage to the other buildings and their contents was caused principally by water. The wardrobe and scenery of the Charles K. Chapman Stock Company, which was playing at the Opera House this week, was destroyed, the loss being about \$25,000.

At 3:30 a. m. Mayor Gross telephoned to Lancaster, Carlisle and Mechanicsburg, explaining the situation and asking them to prepare to send aid. The response was most prompt. Within a comparatively short time word came from all announcing that apparatus was lined up and only awaited orders for shipping. The fire was under control at 4:30 o'clock.

AT THE WHITE HOUSE

More Trouble About Oklahoma's
Constitution.

"JIM CROW" CAR PROVISION

Resolution Now in Hands of the
President.

A NEW DEAL IN WYOMING

Federal Offices in That State All to
Go to New Men Except One.

President Roosevelt now has an opportunity to express his views as to "Jim Crow" laws—separate cars for white and colored people. The question has been put to him in such a way that he will not be able to ignore it, if so disposed.

The constitutional convention of Oklahoma has passed a resolution asking the President whether he would approve the constitution of that state if it should contain "Jim Crow" provisions. The resolution is now in the hands of the President.

The President recently issued an ultimatum to the makers of the constitution for the new state of Oklahoma that he would not approve their work if they inserted a clause preventing railroads, coal mines and other large industries from employing men to defend their property in the event of strikes or other causes. Such a provision had been proposed by the committee working on those features, although it had not been acted upon by the convention itself.

A story was printed that the President had sent a similar message as to "Jim Crow" law provisions, and much excitement was caused among the delegates to the convention, which is democratic. They succeeded in defeating the proposed clause, but the President did not express any opinion on the "Jim Crow" proposition, his threat relating entirely to the proposed scheme to make railroads helpless in the matter of defense.

Denial of the Magazine of Oklahoma says that the President did not talk to him at any time about the separate car provision, confining himself to the railroad and property subject.

The Oklahoma democrats have been advised by many of the national party leaders here to make their constitution as liberal as possible, and not to encumber it with matters that can safely be left to future legislatures. If this advice is followed that also, but it is not believed that C. A. Sherrill, who has been in charge of the constitution, will exercise the authority delegated to him in such a way as to approve or disapprove of the main parts of the new constitution in detail.

A New Deal in Wyoming.
Senators Warren and Clark and Representative Mondell of Wyoming have agreed upon a new deal for federal offices in that state, taking the position that eight years is long enough for a man to hold on to the government's pocket book. Of the six good federal positions in the state five will go to new men. The only man who will succeed himself, if the recommendations made to the President are carried out, as they do not doubt will, is William E. Chapin as register of the land office at Laramie.

Register of the land office at Laramie—William E. Chapin. For receiver of the land office at Laramie—William C. Deming of Casper, N. D.

For receiver of the land office at Douglas, Samuel Slaymaker of Douglas, succeeding N. C. Barrow.

President Roosevelt has designated Senator Warren as a member of a committee to meet with representatives of the public lands commission, the American Live Stock Association and the National Wool Growers' Association February 11, at which time consideration will be given to grazing questions.

FAVORABLE ACTION TAKEN.
Local Bills Ordered Reported by Senate Committee.
The Senate committee on the District of Columbia today ordered favorable reports on several bills of local interest.

Senate bill 7525, authorizing the Commissioners to close and open roadways in the District, was considered. A substitute for this bill was approved providing that owners of property may abandon old roadways in cases where they dedicate an equal area in conformity with the highway system.

House bill 123, for the opening of a connecting parkway along Piney Branch between 16th street and Rock Creek Park, was ordered to be favorably reported. This bill gives the Commissioners authority to condemn twenty-five acres for purposes indicated.

House bill 12380, for the registration of nurses in the District, was considered. "Regulating proceedings for the condemnation of land for streets, were also favorably reported. The latter bill authorizes juries to take into consideration the donations of land that have been made by any person in fixing the amount of their damages or in assessing benefits.

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editor of the Cheyenne Tribune, succeeding Edward A. Slack.
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A favorable report was also ordered on House bill 24832, for the extension of School street south of Irving street.

House bill 21884, to amend the act regulating the retention on contract of the District government was favorably reported. A bill for this purpose was passed at the last session of Congress and the present bill is to cover cases of contracts under way but not completed when the former measure was enacted.

House bill 22350, authorizing the recorder of deeds to recopy old records in his office, was also favorably reported. Not more than \$1,000 a year may be used for this purpose, and the work is to be done under the supervision of the Supreme Court of the District of Columbia. The cost is to be paid from fees collected by the office.

House bill 22301, to amend the metropolitan police act so that inspectors of the police department shall be included in its benefits, was also acted upon favorably.

FLEEING FROM FLOODS.

Situation in Mississippi Valley Becoming Serious.

MEMPHIS, Tenn., February 1.—Many people are moving from their homes in the northern part of this city as a result of a break in the protection levee built by the city a year ago. The levee gave way early today and the district north of Poplar boulevard and west of 4th street is now under two feet of water. If the river reaches a stage of forty-one feet, which today seems probable, a large area near the business portion of the city will feel the effects of the flood.

Advices from Marion, Ark., say that the levee at Hollybush remains intact, although a break is expected at any moment. The water is lapping the top of the structure, and a large force of men is engaged in strengthening the weaker places. Should a crevasse appear at Hollybush the entire St. Francis basin in Arkansas would receive the rush of water.

At Helena, the main levee remains intact. The northern part of that city is flooded from the break in the auxiliary levee which occurred yesterday, and people living in that section have been housed elsewhere.

A steady downpour of rain was recorded in the vicinity of Memphis last night. The river this morning marks 39.8 feet, a rise of eight-tenths since yesterday.

CHARLESTON, Mo., February 1.—The overflowed Mississippi river, which is filled with great blocks of floating ice, has swept away two residences and the schoolhouse at Dorent, a village twenty-five miles south of here. The town is remote from railroad or telegraph lines and further advice as to the situation is unobtainable.

HAU HIS OWN COUNSEL.

Washington Man Still Denies German Murder Charge.

FRANKFORT, Germany, February 1.—Professor Karl Hau of George Washington University, Washington, D. C., who is charged with the murder of his neighbor, a law, was brought here from Karlsruhe yesterday by two policemen and confronted with various persons who had seen him in Frankfort, where he bought a false beard. They all recognized the prisoner, who admitted having purchased the beard and agreed with the statements regarding his other alleged acts and movements in Frankfort, but has continued to deny that he killed Frau Molitor.

Hau pleaded his own case and questioned the witnesses in a very clever manner. When the official confrontation was ended the prisoner was taken back to Karlsruhe.

RESCUED IN LIFEBOATS.

Part of Wrecked British Steamer's Crew Beach Shore.

LONDON, February 1.—Lifeboats from Hartlepool this morning rescued twenty-four of the crew of the British steamer Clavering, ashore at the mouth of the Tees, including Capt. Scott. The bodies of nine Lascars who died of exposure during the night were thrown overboard, making the total number of deaths twelve. The vessel is breaking up.

The steamer Clavering, 3,000 tons, bound for Japan, was blown ashore in a heavy gale at the mouth of the Tees during the night of January 30. Lifeboats made efforts all through yesterday to rescue the crew of the vessel, most of whom were Lascars. Some of them were landed, but several of the crew were unaccounted for last night. The chief officer and two Lascars were drowned through the swamping of a boat.

Mexicans or Negro?
PHOENIX, Ariz., February 1.—Mrs. Harvey Morris and her seven-year-old son were killed yesterday by a hundred feet from their home, three miles east of Roosevelt. Mrs. Morris' husband had left home for Roosevelt during the morning, and a negro shortly afterward appeared in the town with his throat slightly cut and other marks of violence apparent, alleging that his injuries were received in defending the woman from the assault of two Mexicans who killed her and the child. He is held in custody.

Shot His Father to Death.

STREUBENVILLE, Ohio, February 1.—

In a dispute this morning at the breakfast table between John Gebhart and his son Charles, the father was shot and killed. The father took his son to task for drinking, and it is alleged the latter procured a gun and shot him.

Weather.

Continued unsettled weather, with occasional rain to night and tomorrow; warmer.

TROUBLE WITH JAPAN

Possibilities of Such a Thing
Laughed At

BY RESIDENTS OF HAWAII